



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: State Board of Health

- ☒ Preproposal Statement of Inquiry was filed as WSR 05-16-050 ; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Food Worker Cards - 246-217-015 [applicability]; 246-217-025 [training topics]

Hearing location(s):

AmeriTel Inn
4520 Martin Way E.
Olympia, Washington 98516

Submit written comments to:

Name: David Gifford
Address: 111 Israel Rd., Tumwater, WA 98501-7824

e-mail dave.gifford@doh.wa.gov

fax (360)236-2257 by (date) 1/6/2006

Date: 1/11/2006 Time: 1:30 pm

Assistance for persons with disabilities: Contact

David Gifford by 1/3/2006

TTY (800) 833-6388 or ()

Date of intended adoption: 1/11/2006

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

RCW 69.06 authorizes the SBOH to issue food worker cards to all food workers in the state. During the 2005 legislative session, SHB 1591 amended RCW 69.06 by conditionally exempting employees of adult family homes. These food workers will now be allowed to receive equivalent food safety training through other sources.

In addition, the State Board of Health has received requests to update the food worker training to include information about food allergies. There is a significant percentage of people who are allergic to one or more food items. Simple steps can be taken to prevent unnecessary serious, and sometimes fatal, reactions. The proposal requires a brief discussion or materials on food allergies to be included in all food worker card training.

Reasons supporting proposal: The adult family home worker amendment updates the rule to comply with statutory changes. The addition of food allergy awareness to the list of topics to be presented to food workers is reasonable due to the percentage of people with food allergies and the role food workers can play to protect the allergic public from foods they need to avoid.

Statutory authority for adoption: RCW 69.06**Statute being implemented:** RCW 69.06**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

DATE

12/6/05

NAME (type or print)

Craig McLaughlin

SIGNATURE**TITLE**

Executive Director

CODE REVISER USE ONLYCODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

7 2005

TIME

9:29

AM

WSR

05-24-116

PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
None

Name of proponent: (person or organization) State Board of Health

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... David Gifford	111 Israel Rd, Tumwater	(360)236-3074
Implementation....David Gifford	111 Israel Rd, Tumwater	(360)236-3074
Enforcement..... David Gifford	111 Israel Rd, Tumwater	(360)236-3074

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

The Department of Health and the State Board of Health have determined the proposed rule does not impose costs on businesses under RCW 19.85.030. Therefore, no small business economic impact statement is necessary.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: David Gifford

Address: 111 Israel Rd., Tumwater, WA 98501-7824

phone (360) 236-3074 _____

fax (360)236-2257 _____

e-mail dave.gifford@doh.wa.gov _____

☐ No: Please explain:

AMENDATORY SECTION (Amending WSR 99-13-019, filed 6/7/99, effective 7/8/99)

WAC 246-217-015 Applicability. (1) All food service workers must obtain a food worker card within fourteen calendar days from the beginning of employment at a food service establishment, except as provided in subsection (4) of this section.

(2) In the case of temporary food service establishments, at a minimum the operator or person in charge each shift or during hours of operation (~~shall~~) must have a valid food worker card obtained prior to the event.

(3) Employers at any food service establishment (permanent or temporary) must provide information or training regarding pertinent safe food handling practices to food service workers prior to beginning food handling duties if the worker does not hold a valid food worker card. Documentation that the information or training has been provided to the individual must be kept on file by the employer and be available for inspection by the health officer at all times.

(4) A food service worker in an adult family home, as defined in RCW 70.128.010, is exempt from possessing a food worker card, if the worker:

(a) Began working in an adult family home after June 30, 2005, has successfully completed basic or modified-basic caregiver training, and has documentation of receiving information or training regarding safe food handling practices from his or her employer prior to providing food handling or service for clients of the adult family home; or

(b) Held a valid food worker card prior to June 30, 2005, and obtained 0.5 hours of continuing education in food handling safety per year since June 30, 2005.

AMENDATORY SECTION (Amending WSR 02-22-079, filed 11/5/02, effective 1/1/03)

WAC 246-217-025 Issuance of food worker cards--Fees. (1) In order to qualify for issuance of an initial or renewal food worker card, an applicant must demonstrate his/her knowledge of safe food handling practices by satisfactorily completing an examination conducted by the local health officer or designee.

(2) Each applicant for a food worker card must pay a fee in the amount of ten dollars. The fee shall be used by the jurisdictional health department or designee to defray the costs of

food worker training and education, administration of the program, and testing of applicants. Photographic identification may be required at the time of application.

(3) The local health officer or designee (~~shall~~) must furnish to the applicant a copy of the latest edition of the "Food and Beverage Service Workers' Manual" or similar publication, as prepared or approved by the department.

(4) Effective January 1, 2000, prior to conducting the examination of the applicant(s), the health officer (or designee) (~~shall~~) must provide at least thirty minutes of instruction, including both audio and visual presentations. Instruction content shall include topics related to safe food preparation, storage and service. At a minimum, topics (~~shall~~) must include: Food borne illness overview; basic bacteriology as it relates to food borne illness; proper cooking, hot holding, cold holding and cooling of potentially hazardous foods; cross-contamination prevention; and proper (~~hand washing~~) handwashing techniques. Instruction content must also include the topic of food allergy awareness that is presented and/or distributed to each applicant.

(5) The food worker card examination will be uniform statewide and will be prepared by and/or approved by the department; except that jurisdictional health departments may include additional questions to address local health concerns. The examination will cover topics identified in subsection (4) of this section, except food allergy awareness, as required instruction topics. An exam must be approved by the department prior to its use. To pass the examination the applicant must answer at least eighty percent of the questions correctly.

(6) Upon payment of the required fee and the applicant's satisfactory completion of the examination, the applicant will receive the food worker card.

(7) A copy of the card or the applicable information (~~shall~~) must be kept on file at the jurisdictional health department.

(8) Copies of food worker cards for all employed food service workers (~~shall~~) must be kept on file by the employer or kept by the employee on his or her person and open for inspection at all times by authorized public health officials.

(9) All food worker cards (~~shall~~) must be issued and signed by the local health officer. The local health officer may contract with persons to provide the required training or testing within his/her jurisdiction. The contracts (~~shall~~) must include test security provisions so that test questions, scoring keys, and other examination data are exempt from public disclosure to the same extent as records maintained by state or local government agencies.

(10) The health officer or designee (~~shall~~) must make test accommodations in accordance with the Americans with Disabilities Act for those requesting such accommodations.